

**AN ORDINANCE AMENDING
CHAPTER 111 OF THE CITY OF
FORT WAYNE, INDIANA, CODE OF
ORDINANCES, ENTITLED "CABLE
TELEVISION REGULATIONS," BY
ADDING A NEW SECTION ENTITLED
"CABLE FUND ACCESS BOARD."**

WHEREAS, the City of Fort Wayne, Indiana, Code of Ordinances, Chapter 111 "Cable Communications System" Section 111.105 established the Cable Television Advisory Council; and

WHEREAS, General Ordinance No. G-15-95 repealed in its entirety Chapter 111 of the City of Fort Wayne, Indiana, Code of Ordinances, entitled "Cable Communications System" and replaced the contents of Chapter 111 with "Cable Television Regulations;" and

WHEREAS, the Board of Public Works desires to replace the Cable Television Advisory Council with a new citizens advisory group entitled "Cable Fund Access Board;" and

WHEREAS, the purpose of the Cable Fund Access Board will be to review and make recommendations about how cable franchise fee revenues are granted for Public, Education and Government (PEG) Access programming.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. Chapter 111 of the City of Fort Wayne,
Indiana, Code of Ordinances, entitled "Cable Television Regulations" is
amended as follows:

CHAPTER 111: CABLE TELEVISION REGULATIONS

§111.34. CABLE FUND ACCESS BOARD

1. ESTABLISHMENT

There is established a Cable Fund Access Board consisting of five (5)
members. Three members shall be appointed by the Mayor and two (2)
shall be appointed by the Common Council.

2. PURPOSE

- a. The Cable Fund Access Board will administer the Grant
process through which Public, Education and Government
access channel originators and non-access channel
originators receive City franchise fee revenues.
- b. The Cable Fund Access Board will allow citizen input and
oversight to insure that the City franchise fee revenues are
being used effectively.

3. ACCESS CHANNEL ORIGINATOR GRANTS

1 a. The City of Fort Wayne shall annually budget two-fifths (2/5) of
2 all franchise fee dollars from Comcast for public access dollars ("access
3 dollars"), which shall be subject to approval by the Common Council.

4 b. Eighty percent (80%) of the "access dollars," upon Common
5 Council approval, will be annually designated and divided up equally for
6 institutions which originate Public, Education and Government access
7 channels on the COMCAST system. The Access Channel Originators
8 (ACOs) are:
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11 ALLEN COUNTY PUBLIC LIBRARY/CHANNEL 10
12 FORT WAYNE CITY GOVERNMENT/ CHANNEL 18
13 FORT WAYNE COMMUNITY SCHOOLS/CHANNEL 20
14 INDIANA UNIVERSITY-PURDUE UNIVERSITY AT FORT
15 WAYNE/CHANNEL 6
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18 c. Grant funds may be used for operational expenses directly used
19 in the production and cablecasting of access programming.
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22 **d. Eligibility Guidelines**
23

24 i. The ACO must annually document to the CFAB:

- 25
26 1. that it is providing ample opportunity for the
27 public or, in the case of Channels 6, 20 and
28 18, for other educational and City government
29 entities, to have their programming produced
30 and cablecast;
31
32 2. how grant dollars were used to increase the
number of access programs produced and
cablecast.

3. The ACO must respond to complaints or concerns about their operations raised in an annual public hearing held by the Cable Fund Access Board.

4. Following the Cable Fund Access Board annual review process, the ACOs will enter into contracts with the City of Fort Wayne in which the ACOs pledge to spend the grant money according to the above criteria.

e. NON-ORIGINATOR ACCESS PROGRAMMING GRANTS

i. A minimum of 10% the City's "Access Dollars" will be set aside annually as non-Access Channel Originator Grants for access programming by not-for-profit agencies or educational or City governmental which do not originate access channels.

ii. **Non-Access Channel Originator Grants** will be available to any not-for-profit, educational or governmental agency within the City of Fort Wayne (except Allen County government offices as Allen County government receives cable television franchise fees).

iii. Grant money may be utilized for operational expenses in the production of access programming including hiring of production services.

iv. Qualified non-access channel originators will annually submit grant requests to the Cable Fund Access Board, pursuant to an

application established by the Board. The CFAB will recommend grant awards, with final approval granted by the Common Council.

v. Any remaining amount of the 10% not used for non-ACO grants will remain in the Cable Fund.

vi. Eligibility Guidelines:

(1) Non-Access Channel Originator Grants will be given to support specific services, functions, video productions or to support specific programs. The grants may be used to purchase equipment; however, the application must explain how the equipment will be used in the production of the PEG access programming.

(2) Non-Access Channel Originator Grant recipients will enter into contracts with the City of Fort Wayne in which the grantee pledges to spend the grant money in the manner approved by City Council and to provide proof of the expenditures.

(3) All Non-Access Channel Originator Grants will be subject to approval by the Common Council.

4. CABLE TELEVISION FRANCHISE MANAGEMENT EXPENSES

a. Ten (10%) of the "access dollars" will be used by the City for cable television franchise management expenses, which would include industry Publications, travel to seminars or training, hiring of consultants to provided federal cable law expertise and advise if the franchisor is fulfilling its franchise commitments including the rebuilding of the cable system.

b. Any remaining amount of the 10% not used for cable management expenses will remain in the Cable Fund.

5. DUTIES OF THE CABLE FUND ACCESS BOARD

a. Annual Review:

i. Before the grant application process begins, the Cable Fund Access Board will annually meet to review the way Access Channel Originators and non-Access Channel Originators have used its grant funding to enhance the quality and quantity of local Public, Education and Government access programming.

ii. The Cable Fund Access Board will annually hold a public hearing to review how grants have been spent and to listen to concerns, ideas or problems the public may express regarding the operations and programming of grant recipients.

iii. The Cable Fund Access Board may determine that an Access Channel Originator is not meeting the City's criteria and may recommend to City Council that the ACO's annual grant be reduced. The amount of the reduction would be distributed evenly among the remaining ACOs.

iv. Establish and implement a review form and grading system which fairly evaluates each grant recipient which could also be used when considering future grant requests.

§111.35. CONFLICTS.

1 In the event of a conflict between any provision of this Ordinance
2 and a Franchise Agreement entered pursuant to it, the provisions of this
3 Ordinance shall control, except as may be specifically otherwise provided
4 in the Franchise Agreement.
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7 **§111.36. SEPARABILITY.**
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9 If any provision of this Chapter is held by any court or by any
10 Federal or State agency of competent jurisdiction, to be invalid as
11 conflicting with any Federal or State law, rule or regulation now or
12 hereafter in effect, or is held by such court or agency to be modified in
13 any way in order to conform to the requirements of any such law, rule or
14 regulation, such provision shall be considered a separate, distinct, and
15 independent part of this Chapter, and such holding shall not affect the
16 validity and enforceability of all other provisions hereof. In the event that
17 such law, rule or regulation is subsequently repealed, rescinded,
18 amended or otherwise changed, so that the provision hereof which had
19 been held invalid or modified is no longer in conflict with such law, rule or
20 regulation, said provision shall thereupon return to full force and effect
21 and shall thereafter be binding on Grantor and Grantee, provided that
22 Grantor shall give Grantee thirty (30) days written notice of such change
23 before requiring compliance with said provision or such longer period of
24 time as may be reasonably required for Grantee to comply with such
25 provision.
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SECTION 2. That this Ordinance shall be in full force and

effect from and after its passage and any and all necessary approval by
the Mayor and publication thereof.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Don J. Schmidt, seconded by _____, and duly adopted, read the second time by _____, and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 10-24-95 _____
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Don J. Schmidt, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	_____	_____	<u>3</u>
BRADBURY	_____	_____	_____	<u>✓</u>
EDMONDS	_____	_____	_____	<u>✓</u>
MACQUINTA	_____	_____	_____	<u>✓</u>
ENRY	<u>✓</u>	_____	_____	_____
ONG	<u>✓</u>	_____	_____	_____
UNSEY	<u>✓</u>	_____	_____	_____
AVINE	<u>✓</u>	_____	_____	_____
CHMIDT	<u>✓</u>	_____	_____	_____
ALARICO	<u>✓</u>	_____	_____	_____

DATED: 11-14-95 _____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 2-27-95 on the 14th day of November, 1995

ATTEST: _____ (SEAL) _____
SANDRA E. KENNEDY, CITY CLERK DON J. SCHMIDT
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of November, 1995, at the hour of 11:30 o'clock A M., E.S.T.

_____ SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of November, 95, at the hour of 12:15 o'clock P M., E.S.T.
_____ PAUL HELMKE, MAYOR

BILL NO. G-95-10-11

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - CHAIR
MARK E. GIRAQUINTA - VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING CHAPTER 111 OF THE
CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES, ENTITLED "CABLE
TELEVISION REGULATIONS," BY ADDING A NEW SECTION ENTITLED
"CABLE FUND ACCESS BOARD."

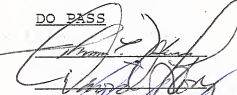
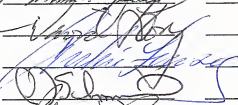
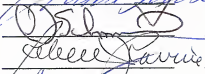
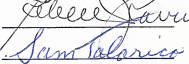
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
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DATED: 11-14-95

Sandra E. Kennedy
City Clerk

Community Communication Center/Government Channel Implementation Plan

SUMMARY

A plan to implement the public-government access proposal by means of a contract between the City and the Library. The plan will develop the government channel beginning immediately and start renovation of the Community Communications Center in 1996. Equipment expenses will total \$461,400 over two years as provided by the pending ordinance. Personnel expenses will include a Government Access Coordinator to be hired immediately upon signing an agreement to operate the government channel and additional clerical and technical staff to be hired during 1996. Preparations for and development of the I-NET or two-way capabilities of the system will commence immediately.

This is a plan to implement the proposal for operation of the Community Communications Center and Government Channel by the Allen County Public Library. The proposal was originally submitted in 1993 and was used throughout the negotiations with Comcast. A copy of the revised proposal is enclosed for your reference. The implementation plan is based upon these assumptions about time and funding:

- Funding available for equipment and facility renovation will be the sum of \$250,000 paid by Comcast upon acceptance of the franchise and \$100,000 which will be paid one year later, plus \$111,400 currently in the Cable Fund. The \$50,000 to be paid by Comcast in years 3 through 15 will be used for equipment repair and replacement.
- No new channels will be available until Comcast completes construction of the new cable system.
- Construction will take nearer two years than three.
- Development of the government channel into an active, useful communications medium will begin immediately.

Money and channel space drive everything else. We propose to implement immediately those elements which do not require additional channels and to add other elements as funding becomes available with the goal that all elements be on-line immediately after Comcast activates the additional channels of the rebuilt system.

Very soon the City must make two decisions: First, a set of rules must be written and promulgated to govern access to and programming on the government channel. The government channel is the government's own voice and the governors may determine who may speak and what they may say. Of course, the decision can also be made to allow an open channel. Community Communications Center staff have experience with a number

of incarnations of government access and will work with the City to evaluate the options. Second, is the question of how rapidly the channel is to grow. Locally produced programming will grow slowly. However, much good programming such as police and fire training, public health, anti-drug programs, even NASA materials can be imported via satellite, and it will be relatively easy to fill several hours per day with good quality programming of interest and value, if that is the decision. The concern is that, until Comcast realigns channels, every extra government program pre-empts C-Span. All options are open, from running only Council meetings to requiring Comcast to move C-Span to another channel. The decision has public relations as well as public policy ramifications and should be made accordingly. Obviously, the outcome of these decisions affects the kinds and amount of programming we can develop over the next two years.

We will begin immediately to build up the government channel. We will purchase the portable studio equipment for an origination facility in the City-County Building. We will need to purchase minimal equipment for origination (playback) of Channel 18 programs from the Allen County Public Library. This should be done to avoid stationing staff at both locations. We will also proceed to hire an experienced Government Access Coordinator.

Two weeks after we have a signed agreement to operate the government channel, we will begin cablecast of City Council meetings. Council meetings will be taped with three high-quality cameras and an experienced crew, which should dramatically improve picture quality. We will bring in our own sound engineer to evaluate the existing system and make recommendations to improve the audio quality of Council meetings. We will produce a high quality standard opening and close for the program. At the onset we will precede each Council meeting with a text scroll of the evening's agenda, which will also be used during the break between committee and Council meetings. Once the Government Access Coordinator is in place, we will replace this text-only agenda with a live or pretaped program explaining the agenda items, procedures to be followed during the meeting, issues to be addressed, or other topics to make the Council and committee meetings more meaningful and more easily understood by the viewer. To increase viewership, we will create and run on Channel 10 promos leading viewers to Channel 18 when Council meetings are being cablecast or replayed. To make the process more understandable, we will key in names of Council members and guests, and references to agenda items at appropriate times.

In addition to Council meetings, we will work with Council and City Departments to provide a variety of other programs. The specific programs and the total amount of programming we will be able to produce during the first year depends on the city's decisions referred to above. Assuming that access to the channel is offered at least to all units of City government, and that the decision is made to light the channel (pre-empt C-Span) for at least several hours per week, we believe it will be possible to achieve the following level of production by the end of 1996.

- All city Council meetings, live, with multiple taped replays.
- One other meeting per week (Board of Works, Zoning Board, etc.) taped unless held in Council chambers and until the room is wired.
- Live, call-in programs for City officials every two weeks (at Channel 10 studios).
- Special events such as the Mayor's Lincoln Leadership Conference, live if the location is on the existing I-Net, otherwise, taped.
- Programs featuring City departments and functions.
- Any emergency uses.

Most people who have never tried it do not understand how much work goes into developing a program from concept to finished product. The list given above is an ambitious one. It should be considered a guide, not a precise statement of program types and amounts. The actual programs completed will change due to circumstances and opportunity. "Live" programs can only be done if the facility where the event is held is wired for two-way cable. Currently, the Mayor's Office and Council Chambers are so wired. Live programming from other locations will depend on the Comcast's rebuild of the system or their willingness to activate portions of the existing I-Net upon request.

We also offer other non-production services to the city as part of this package:

- Train City staff in video production and provide trained Channel 10 volunteers to help with productions.
- Help identify existing programming of benefit to City Departments. FEMA (the Federal Emergency Management Agency) for instance, programs an entire satellite with training materials of interest to police and fire departments.
- Teleconferencing.
- Consultation and assistance with program development.

A PROPOSAL TO OPERATE THE COMMUNITY COMMUNICATIONS CENTER

SUMMARY

The proposal calls for the creation of a Community Communications Center to bring together and develop a broad spectrum of video, voice, and data transmission and reception services. It will include a second public access channel to handle Channel 10's overflow and a full-time government channel, with another channel reserved for an additional public or government channel if one is ever needed. The Community Communications Center, a department of the Library, will operate the government channel and build it into a useful information source in the community.

We propose that the Library take the lead in organizing and initial development of an I-NET, linking government buildings and other public places. The I-NET can be used to exchange data and voice in addition to video. This is directly related to other elements of information technology in which the Library has a vital interest. Our staff is uniquely qualified to take on such a project. Both the City and the Library will benefit by being closely involved with this emerging technology.

The plan we propose is much more sophisticated than the current Channel 10 or Channel 18 operations, but is quite up-to-date and very much in line with current practices in many communities. There is a significant up-front cost for equipment and an ongoing cost of approximately \$375,000 per year for operation. Money for equipment, facilities, and other capital costs is being allocated by ordinance from funds paid by Comcast as a cost of obtaining the Fort Wayne franchise. The ordinance also provides for a percentage of the franchise fee to be paid to the Library to cover a portion of the operating costs for the Community Communications Center and the Library contributes additional funds. We also ask the City to work with us to secure other funding from County and New Haven franchise fees, grants, and other sources.

Prepared: June, 1993
Revised: October, 1995

To Mayor Helmke and Members of the City Council

Allen County Public Library proposes to operate the public and government access channels for the people of the City of Fort Wayne. We envision a partnership arrangement between the City of Fort Wayne (City) and the Allen County Public Library (Library) to create a Community Communications Center described herein.

HISTORY

The Allen County Public Library has been associated with access in the community for more than 20 years. We were a part of the first Citizen's Council for Program Development. By 1973, we had purchased a complete multi-camera portable production and editing setup -- state of the art for those times. From 1972 to 1980 we produced over 600 separate programs even though there was no cable system in the City. We made training tapes, provided documentation for grants, preserved events and happenings of local interest, and archived a peculiar slice of the history of Fort Wayne. Lacking a cable outlet, we showed tapes at meetings of the groups with which we worked, at City Council, and in video concerts at the Library. Some tapes were shown on the fledgling county cable system, others were "bicycled" to cable systems in surrounding areas. NBC featured clips in a national story on small-format video. We traded programs with other libraries and loaned tapes as far away as Australia via a world-wide distribution network.

In 1979, when the first Cable Ordinance was passed, it required the cable operator, then Cox, to provide public access to the citizens of Fort Wayne. Cox, with the approval of the City, chose to do this via a contract with the Library. Under the terms of that contract, the Library managed the access center, hired staff, trained the public, and programmed Channel 10. Cox paid about half of the cost, twice agreeing to raise its share above the original contract amounts.

In 1985-86, when the cable system was sold twice within a few months, the formal contract was lost. The Library continued to fund and operate the channel. Comcast has made payments to the Library or the ACPL Foundation during several of the years since 1988, but the Library has funded nearly all of the operating costs.

In 1988, the Library took on the management of the educational access channel which had been unused for seven years. We trained staff, teachers, and students; developed programming; and built a viable, active service. Once the channel was developed, we turned operational control back to the Fort Wayne Community Schools.

Over the years, we have worked with nearly every organized group in the community and with hundreds of individuals. We have trained thousands of persons in the techniques of television production; perhaps a hundred of those have gone on to paying jobs in the industry. In 1995, we will facilitate production of about 1,650 programs and will play

back another 1,000 which were produced elsewhere. This is more production than any two local network stations, with far more variety.

Our staff is active in local, state, regional, and national organizations devoted to the advancement and techniques of access television. Three have degrees in the field. Collectively, our staff has more than 60 years experience in access television. Several of us have consulted in the development of access centers in other communities.

We have the expertise, experience, and ability to provide high quality public and governmental access in Fort Wayne. We have a track record with most community organizations and with many units of City government. The Library, as an institution is stable, progressive and well respected in the community. We have a large corps of active, trained, committed volunteers, the key to success of any access organization. Finally, we are experienced at developing new types of access services, and we are accustomed to working within the constraints of other organizations. We built up the educational channel, literally from nothing, and we can greatly improve the government channel which has at least a tradition of minimal use.

We will hire a degreed professional video production person to work full-time as the coordinator of the government channel. The duties will include, among others:

1. Organize and carry out coverage of City Council and other designated meetings.
2. Recruit and train volunteers to work on City Council meetings and other government productions.
3. Train City staff in television production as needed.
4. Make City staff and decision-makers aware of the possible uses of the channel.
5. Develop a full range of informational programs to:
 - A. Educate staff of City departments.
 - B. Explain the purpose and workings of units of City government to the public.
 - C. Document projects for archival purposes or for incorporation into reports to funding agencies.
 - D. Promote city activities and functions
 - E. Encourage "town meetings," intra-neighborhood conferences, and other public information exchanges.
 - F. Provide disaster-preparedness information.
 - G. Etc.

We need to have one City employee with whom the Government Access Coordinator can work to develop program ideas, provide contacts within the government units, seek program approvals, and generally serve as the single point of contact between the City and the access staff. The administration and Council will need to determine a form of governance which serves their various purposes.

The Coordinator's personal tasks will change as the use of the channel matures. Initially, the person will be occupied primarily in taping of City Council meetings, training, and consciousness-raising. Much early programming will be imported from the other sources, but applicable to Fort Wayne. This serves a dual purpose of "lighting" the channel and of showcasing the kinds of programs which can be made. It is a common audience-building technique for new channels. As part of the agreement between the Library and the City, we propose to negotiate the minimum expectations for numbers of programs, public meetings, etc. to be produced at the start and to allow this number to grow as more program ideas are generated.

When Channel 18 is not in use for video programming, it can be used as the Community Information Channel (CIC). A CIC is a data-only channel which works something like the IRS's Tele-Tax system or the Talking Newspaper. Several commercial products which will operate the channel automatically are available. In general, the CIC consists of a PC computer loaded with data such as meeting agendas; addresses, phone numbers, and contact names for local organizations; eligibility and other rules for public services; calendars of events; announcements; factual data; and many more. A citizen dials in to the computer and watches the information on a television screen. With a touch-tone phone, the viewer can work through a series of menu choices to the specific information desired. When not in active use, the computer shows announcements similar to the bulletin boards on several Comcast channels. Some of the existing services are very sophisticated and most are heavily-used. Some allow agencies to update their own data via a password as for instance, the Animal Shelter might enter the description of recently found pets. The City's decision on how rapidly the channel is to grow (how much of C-Span to relocate or preempt) impacts this service. A CIC is usually run during hours when video programming is not used. If C-Span runs during those hours, the CIC cannot be used.

We propose to develop a Community Information Channel, immediately, or delayed as the City may direct. At first it will share the government channel, later migrating to a dedicated channel as the amount of government programming increases. The Library has experience both manual and automated files of local information. We maintain a "Clubs and Information" file which contains this type of information and have been a leader in the Iyrin project, a state-wide database of local contact information. We are currently leading the development of the Fort Wayne FreeNet, which provides similar information via the Internet.

I-NET

The Library proposes to serve as the focal point for development of an Institutional Network (I-NET) until such time as an active, viable I-NET can be developed and an appropriate form of governance determined. We do not want to run the I-NET in the long term, but we are uniquely suited to get one started.

An Institutional Network is a separate portion of the cable system linking government buildings, schools, libraries, neighborhood centers, and other public places. Comcast has agreed to provide a sophisticated, multi-channel, fiber-optic, two-way I-NET throughout the city. Such a system can transmit video, voice, and data from point to point or from a point to the cable headend for retransmission to cable subscribers. Live, two-way capability allows real-time interaction between remote sites as, for instance, between two neighborhood centers.

It is almost impossible to overstate the potential of an Institutional Network. Technology which is only now emerging will make commonplace uses we, today, can not even recognize as possibilities. It may help to imagine a telephone system: two-way, capable of video and data as well as voice, operated by and for the City and its partners, of nearly unlimited capacity, used for point-to-point as well as broadcast transfer of information; and then to imagine the kinds of input and output devices which seven years of technological advancements could develop for use with such a system; and only then to think about how the system could be utilized by the year 2000.

The whole I-NET concept is changing with the advent of the "information highway." Over the life of this franchise, the I-NET will change rapidly as new uses are discovered and new technologies emplaced. While there are a number of very successful I-NETs currently in operation, Fort Wayne is not yet ready to begin use on the scale we envision. The existing I-NET which, according to Comcast, has been built but not "activated" is wholly inadequate for 1990s' needs. Few people in town are aware of the potential or have given any thought to how their agency or group might use such a system. Input/Output devices for many of the possible uses of the system (a sensor to read water meters, for example) are in the developmental stages. Comcast will have to design and install the new fiber-optic system and is likely to activate this only after the system is rebuilt. It may well be the year 2000 before an I-NET can be fully utilized, but we must position ourselves now so that we can have the capability when we are ready.

We propose that the Library take a leading role in preparing the community to get fullest benefit from an I-NET by the year 2000. There are a number of tasks:

- A. The existing, limited, I-NET can be activated and used for some kinds of programming. For instance, Comcast activated one section of the existing I-NET for a live production from the Old Fort Y, designed to counter some of the fear and concern about safety stemming from the shooting of Terna Jordan, Jr.
- B. Monitor developments in cities with advanced I-NETs to keep abreast of tried and tested applications.
- C. Create awareness of the potential among potential users. Work with Library staff, City officials, agency heads and other decision makers to create first an awareness of and then a demand for an I-NET.

- D. As a modern I-NET becomes available, we will advise the initial users and work as liaison with Comcast to ensure that the first experiences are successful ones.
- E. Develop interim equipment specifications, rules, procedures, and other necessities.
- F. House, maintain, and facilitate use of equipment dedicated for the I-NET.
- G. Organize and facilitate a working group of I-NET users to serve as informal oversight council during the formative phase.

Community Communications Center

The Community Communications Center (CCC) is a recent development which is the subject of much speculation among access, cable, library, and telecommunications professionals. Information technology is merging as all of the users -- computers, telephone, data banks, cable, radio, printed materials, sound recordings, consumer information, and others -- adopt digital formats. Transmission of VVD (Video, Voice, Data, pronounce it "VIVID") information is universal and translation among formats is accomplished with ease using elements of the so-called "information highway" such as Internet, phone lines and special-purpose networks. The I-NET is an integral part of this concept. For this reason we have placed much emphasis on I-NET development in this proposal.

The impending merger of cable fiber-optic plants and multi-channel technology with telephone company universal service and interconnectivity promises personal access to a, literally, world-wide communication system to, literally, every one of us within, literally, a very few years. Of great concern is that knowledge of the availability of, and the financial means to acquire access to the data will create an "information elite" and cause an increasing chasm within society.

The basic Community Communication Center concept is of a location where the public can have access to equipment and training with which they can use the data resources which are becoming available. Such a Center would include public computers, an Internet node, world-wide access to databases, community information, teleconferencing, equipment to translate data from one format to another, radio, and even a public art gallery in addition to video production facilities. The library currently makes available all of these.

Cost

To this point, we have concentrated on the benefits of Library management of public and government access. There are a number of costs and other inputs which we discuss next:

Nearly all of the initial funding referred to in the pending Ordinance will be spent to purchase equipment to operate the government channel and to upgrade the existing

equipment and facilities to handle the increased playback and production demands. For ease of explanation and for phasing of purchases, we have divided the expenses into a number of "packages". In reality, there is some overlap between the "packages" and some pieces of equipment affect nearly every part of the operation. Specific packages include:

- A. Upgrade equipment in the main control room at the Community Communications Center. Much of the existing equipment was installed in 1981 and has been in constant use since. Technology has improved markedly since that time. In addition, some of the new equipment will improve the "look" of both public and governmental channels. Cost \$ 50,035.
- B. Portable studio equipment dedicated to the government channel. While some government productions will be taped in a studio, most will be produced "on location". Television is a visual medium and the most communicative programs are those which use visual images, not "talking heads." To this end, we propose a portable, multi-camera studio complete with lighting, audio, switcher/special effects generator, recorders, and ancillary equipment, all packaged in portable Anvil cases and dedicated for the use of the government channel. Cost \$98,480.
- C. Equip a second studio at the Community Communications Center. The Channel 10 area was designed so that adjacent rooms could be developed into additional studios. We propose to develop one of these rooms into a studio suitable for interviews, small panel discussions, and other programs. This studio will be dedicated for priority use for government access programs. It will free up the main studio for other production and ensure that government users will not have to compete with public access producers for studio time. The studio will be equipped with its own high-quality cameras (3), lighting, audio, switcher, recorders, routing equipment, special effects, and call-in telephone line. It will be fully capable. Cost \$159,705.
- D. Equip the Origination Room at the Library for playback of both public and the government access channels. We propose to do all origination (playback) from the CCC studios (excepting live remotes such as City Council). This will provide economical use of equipment since many of the controls, test equipment, routing switches and other equipment will not have to be replicated at multiple facilities. It will also ensure that programs are cablecast on schedule and with appropriate signal correction. Additional modulators, playback machines, signal correction equipment, monitors, routers, and equipment racks will be needed. Cost \$79,410.
- E. Equip a playback center at the City-County building. We propose a facility with a modulator, time-base corrector, and two playback machines be located at the City-County building. This can be a small space the size of a closet. It will provide an additional point of access in case of emergency and add flexibility to the system.

NOTE: This is not the "Origination Point" for the government channel, nor is it necessarily used in the production of City Council meetings. Those are system design issues and require only a wire leading upstream to the cable headend. Cost \$11,210.

- F. The existing Channel 10 facilities will need to be expanded to accommodate the Community Communications Center. Renovations include relocating the edit suites to build Studio B, increasing capacity to the Origination Room to handle playback of the additional channels, and creation of office space for the Government Access Coordinator, technicians, and other staff. Cost \$60,000.
- G. Modulator/demodulator. This is the piece of equipment which takes the signal from a playback machine or program switcher and feeds it into the proper channel. It is a necessary item at every origination point on the cable system. Regular I-NET users will need to purchase their own modulators. Occasional users, neighborhood associations, community centers, and some schools, may initiate programming infrequently and may not be able to justify purchase of a modulator. We propose to acquire one extra frequency-agile (tunable) modulator for loan to occasional users as needed. Cost \$5,000.
- H. A van to transport the portable studio equipment. Considerable equipment is required to produce a quality remote production and the word "portable" is relative. Equipment cases are heavy and cables, lights, and other components are heavy and bulky. We will purchase a small van, modify it with loading ramps, tie-down points, a generator and additional storage, and dedicate it for the use of the Government Access Coordinator. Cost \$16,000.

NOTE: This is an essential piece of equipment. If you cannot get the equipment to the production, you cannot get the production. Cars, pickup trucks, roller skates, and other random vehicles are not suitable and are often unavailable when needed.

- I. Computer equipment and software for the Community Information Channel. A standard PC with a large hard drive and modem is used. Software is available from several sources. Cost \$7,500.

Operational Funds

Historically, ACPL has paid the entire operating cost for Channel 10, with CTPAC grants restricted to equipment purchases only. The pending ordinance provides for the division of the 40% access share of the franchise fee into five shares, one share to the operation of each of the access channels and one share retained by the city. Currently, the value of a share is estimated at \$66,100 per year. The combined funding for the Community Communications Center from the government channel share, the public access share, and the Library will amount to about \$375,000 per year, roughly broken down to:


Salaries and Benefits	\$266,000
Supplies	\$30,000
Travel and Training	\$4,500
Repairs to Equipment	\$8,000
Equipment Replacements	\$50,000
Overhead and Miscellaneous	\$15,000

In order to provide for future growth, we propose that the City and Library work together to secure funds from sources outside the operating budgets of either party. Sources which might be pursued include:

- A portion of the County and City of New Haven franchise fees.
- User fees, including fees to other government agencies for use of the government channel, teleconferencing fees,, or charges for special services. The I-Net might be funded substantially from user fees.
- Direct funding from Comcast above the 5% franchise fee. Comcast cannot be required to pay more than 5%, but may choose to do so and has a record for contributing to community causes.
- Inclusion of video elements in other projects. For instance, a grant to purchase life saving equipment for the Fire Department might include funds to prepare a training video showing its use.

We believe that the Community Communications Center will create a much needed resource for the citizens of Fort Wayne, the value of which will only grow with new technology, an expanded cable system, and the ever-increasing need to communicate. We are eager to work with you on this project.

Very truly yours,



Steven Fortriede
Associate Director

MEMO October 24, 1995

TO: FORT WAYNE COMMON COUNCIL

FROM: Linda Buskirk, Director of Public Works

RE: PROPOSED ORDINANCE TO REINSTITUTE AND STREAMLINE THE CABLE
TV FUND PUBLIC ACCESS GRANT PROCESS

2-95-10-11

SUMMARY: This proposal calls for replacing the Cable Television Program Advisory Council (CTPAC) with a new citizens advisory group called the "CABLE FUND ACCESS BOARD" to review and make recommendations about how cable franchise fee revenues are granted for Public, Education and Government (PEG) Access programming. The biggest changes from the CTPAC system are:

- 1) By ordinance, the City would still budget 2/5ths of the franchise fee dollars it receives from Comcast for public access. This money is hereinafter referred to as "access dollars".
- 2) By ordinance, 80% of these "access dollars" would be set aside annually for institutions which originate PEG channels on the Comcast system (Allen County Public Library/Channel 10, Fort Wayne City Government/Channel 18, Fort Wayne Community Schools/Channel 20, and IPFW/Channel 6). Each of these access channel originators (ACOs), would receive a check quarterly for their percentage, as the City receives franchise payments from Comcast. The ACOs may use these dollars for any operational expenses directly used in the production and cablecasting of access programming.
- 3) By ordinance, a minimum of 10% of these "access dollars" would be set aside for access programming by groups which do not originate access channels. This grant cycle would occur annually. Grants could be for any operational expenses related to the production of access programming, including the hiring of production services.
- 4) By ordinance, the remaining 10% of the "access dollars" would be used by the City of Fort Wayne for cable television franchise management. This would be for expenses such as industry publications, travel to seminars or other training and hiring of consultants to provide expertise on federal cable law and whether Comcast is living up to its franchise commitments including the rebuild of the cable system. Whatever amount of the 10% the City does not budget for these expenses will be available as non-ACO grants.

- 5) By ordinance, any monies not spent in any of the above-mentioned ways would remain in the cable fund for use the following year.
- 6) By ordinance, the Cable Fund Access Board will annually hold a public hearing to review how grants have been spent and to listen to concerns, ideas or problems the public may express regarding the operations and programming of grant recipients.

Here is an example of how funding would work under this proposal in 1996:

Based on anticipated cable revenues, the City has budgeted \$332,000 in "access funds" for 1996.

80% of \$332,000 would be divided equally among the four ACOs:

Channel 10	\$66,400	Channel 18	\$66,400
Channel 6	\$66,400	Channel 20	\$66,400

10% of the \$332,000 (or \$33,200) would be available for non-ACO grants.

The remaining 10% would be available for city cable administration expenses, although the City has only budgeted \$22,000 worth of those expenses for 1996.

PROPOSAL ADVANTAGES

1. Reduces paperwork and micromanagement: The current CTPAC process involves several steps of bureaucracy, mainly for grant recipients who must adhere to State Board of Accounts regulations. For instance, consider the two different paths for grants which FWCS, IPFW and ACPL would all experience:

CURRENT GRANT PATH:

1. In the first quarter of every year, CTPAC reviews grant applications and approves grant amounts.
2. Grant proposals go to Board of Works for approval.
3. Grant proposals go to City Council for approval.
4. The BOW signs contracts with all grant recipients.
5. Grant recipients must have their budgets adjusted by their respective fiscal bodies (this can take a few weeks or sometimes up to a couple months).
6. Once budget adjustment is approved, the grant recipient must shop for and purchase the equipment for which the grant was approved. If priorities, technology or prices make another piece of equipment a better choice, the grant recipient must get CTPAC's approval (requiring a meeting).

7. The grant recipient then requests reimbursement for the purchases made.
8. A city staff person reviews the grant recipient's invoices and authorizes payments (this can happen several times for each grant, depending on how many different types of equipment are purchased).
9. Grant cycle occurs again in the 3rd quarter of the year.

PROPOSED GRANT PATH:

1. Once a year, the CFAB holds a public hearing to review the way grant recipients have spent their money and to allow the public an opportunity to voice its opinions about what is appearing on PEG access channels, how ACOs work with other organizations, how non-ACOs are spending their grants, etc. The Board would determine if grant recipients have been the criteria established by ordinance.
 2. Access Board meets again to review grant applications and recommend to City Council grant recipients and amounts.
 3. City Council approves grants.
 4. Access Grant recipients sign a contract with the City.
 5. Money is dispersed (checks can probably be immediately written to non-ACOS, and ACOs will receive quarterly payments, per ordinance and their contracts with the City).
2. A second advantage is that this proposal allows the PEG access channel originators to focus on their needs but, at the same time, they must be answerable to how much "access" they are really providing to other public, educational and governmental institutions within the City of Fort Wayne.

What's happening with Channel 18?

It is the desire of the City administration, and of many members of City Council, to have more and better productions about local government on Channel 18. Rather than building a new studio in the City-County Building and hiring additional staff, the administration proposes a working arrangement with the Allen County Public Library/Channel 10 staff. While this is a separate agreement that does not directly affect the Cable Fund per se, it is appropriate to discuss who will spend Channel 18's allocation and on what. Attached is a proposal offered by the Public Library which the administration believes opens the door to exciting new communication possibilities for local government.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

November 17, 1995

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of November 21,
and November 28, 1995, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-95-10-11
General Ordinance No. G-27-95

"Cable Access Board"

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 14th day of
November, 19 95, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-95-10-11 General
Ordinance No. G-27-95 to-wit:

BILL NO. G-95-10- //

GENERAL ORDINANCE NO. G-27-95

**AN ORDINANCE AMENDING
CHAPTER 111 OF THE CITY OF
FORT WAYNE, INDIANA, CODE OF
ORDINANCES, ENTITLED "CABLE
TELEVISION REGULATIONS," BY
ADDING A NEW SECTION ENTITLED
"CABLE FUND ACCESS BOARD."**

WHEREAS, the City of Fort Wayne, Indiana, Code of
Ordinances, Chapter 111 "Cable Communications System" Section
111.105 established the Cable Television Advisory Council; and

WHEREAS, General Ordinance No. G-15-95 repealed in its
entirety Chapter 111 of the City of Fort Wayne, Indiana, Code of
Ordinances, entitled "Cable Communications System" and replaced the
contents of Chapter 111 with "Cable Television Regulations;" and

WHEREAS, the Board of Public Works desires to replace
the Cable Television Advisory Council with a new citizens advisory group
entitled "Cable Fund Access Board;" and

WHEREAS, the purpose of the Cable Fund Access Board
will be to review and make recommendations about how cable franchise
fee revenues are granted for Public, Education and Government (PEG)
Access programming.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. Chapter 111 of the City of Fort Wayne,

Indiana, Code of Ordinances, entitled "Cable Television Regulations" is amended as follows:

CHAPTER 111: CABLE TELEVISION REGULATIONS

§111.34. CABLE FUND ACCESS BOARD

1. ESTABLISHMENT

There is established a Cable Fund Access Board consisting of five (5) members. Three members shall be appointed by the Mayor and two (2) shall be appointed by the Common Council.

2. PURPOSE

- a. The Cable Fund Access Board will administer the Grant process through which Public, Education and Government access channel originators and non-access channel originators receive City franchise fee revenues.
- b. The Cable Fund Access Board will allow citizen input and oversight to insure that the City franchise fee revenues are being used effectively.

3. ACCESS CHANNEL ORIGINATOR GRANTS

a. The City of Fort Wayne shall annually budget two-fifths (2/5) of all franchise fee dollars from Comcast for public access dollars ("access dollars"), which shall be subject to approval by the Common Council.

b. Eighty percent (80%) of the "access dollars," upon Common Council approval, will be annually designated and divided up equally for institutions which originate Public, Education and Government access channels on the COMCAST system. The Access Channel Originators (ACOs) are:

ALLEN COUNTY PUBLIC LIBRARY/CHANNEL 10
FORT WAYNE CITY GOVERNMENT/ CHANNEL 18
FORT WAYNE COMMUNITY SCHOOLS/CHANNEL 20
INDIANA UNIVERSITY-PURDUE UNIVERSITY AT FORT
WAYNE/CHANNEL 6

c. Grant funds may be used for operational expenses directly used in the production and cablecasting of access programming.

d. Eligibility Guidelines

i. The ACO must annually document to the CFAB:

1. that it is providing ample opportunity for the public or, in the case of Channels 6, 20 and 18, for other educational and City government entities, to have their programming produced and cablecast;
2. how grant dollars were used to increase the number of access programs produced and cablecast.

3. The ACO must respond to complaints or concerns about their operations raised in an annual public hearing held by the Cable Fund Access Board.

4. Following the Cable Fund Access Board annual review process, the ACOs will enter into contracts with the City of Fort Wayne in which the ACOs pledge to spend the grant money according to the above criteria.

e. NON-ORIGINATOR ACCESS PROGRAMMING GRANTS

i. A minimum of 10% the City's "Access Dollars" will be set aside annually as non-Access Channel Originator Grants for access programming by not-for-profit agencies or educational or City governmental which do not originate access channels.

ii. Non-Access Channel Originator Grants will be available to any not-for-profit, educational or governmental agency within the City of Fort Wayne (except Allen County government offices as Allen County government receives cable television franchise fees).

iii. Grant money may be utilized for operational expenses in the production of access programming including hiring of production services.

iv. Qualified non-access channel originators will annually submit grant requests to the Cable Fund Access Board, pursuant to an

application established by the Board. The CFAB will recommend grant awards, with final approval granted by the Common Council.

v. Any remaining amount of the 10% not used for non-ACO grants will remain in the Cable Fund.

vi. Eligibility Guidelines:

(1) Non-Access Channel Originator Grants will be given to support specific services, functions, video productions or to support specific programs. The grants may be used to purchase equipment; however, the application must explain how the equipment will be used in the production of the PEG access programming.

(2) Non-Access Channel Originator Grant recipients will enter into contracts with the City of Fort Wayne in which the grantee pledges to spend the grant money in the manner approved by City Council and to provide proof of the expenditures.

(3) All Non-Access Channel Originator Grants will be subject to approval by the Common Council.

4. CABLE TELEVISION FRANCHISE MANAGEMENT EXPENSES

a. Ten (10%) of the "access dollars" will be used by the City for cable television franchise management expenses, which would include industry Publications, travel to seminars or training, hiring of consultants to provided federal cable law expertise and advise if the franchisor is fulling its franchise commitments including the rebuilding of the cable system.

b. Any remaining amount of the 10% not used for cable management expenses will remain in the Cable Fund.

5. DUTIES OF THE CABLE FUND ACCESS BOARD

a. Annual Review:

i. Before the grant application process begins, the Cable Fund Access Board will annually meet to review the way Access Channel Originators and non-Access Channel Originators have used its grant funding to enhance the quality and quantity of local Public, Education and Government access programming.

ii. The Cable Fund Access Board will annually hold a public hearing to review how grants have been spent and to listen to concerns, ideas or problems the public may express regarding the operations and programming of grant recipients.

iii. The Cable Fund Access Board may determine that an Access Channel Originator is not meeting the City's criteria and may recommend to City Council that the ACO's annual grant be reduced. The amount of the reduction would be distributed evenly among the remaining ACOs.

iv. Establish and implement a review form and grading system which fairly evaluates each grant recipient which could also be used when considering future grant requests.

§111.35. CONFLICTS.


1 In the event of a conflict between any provision of this Ordinance
2 and a Franchise Agreement entered pursuant to it, the provisions of this
3 Ordinance shall control, except as may be specifically otherwise provided
4 in the Franchise Agreement.
5

6
7 **§111.36. SEPARABILITY.**
8

9 If any provision of this Chapter is held by any court or by any
10 Federal or State agency of competent jurisdiction, to be invalid as
11 conflicting with any Federal or State law, rule or regulation now or
12 hereafter in effect, or is held by such court or agency to be modified in
13 any way in order to conform to the requirements of any such law, rule or
14 regulation, such provision shall be considered a separate, distinct, and
15 independent part of this Chapter, and such holding shall not affect the
16 validity and enforceability of all other provisions hereof. In the event that
17 such law, rule or regulation is subsequently repealed, rescinded,
18 amended or otherwise changed, so that the provision hereof which had
19 been held invalid or modified is no longer in conflict with such law, rule or
20 regulation, said provision shall thereupon return to full force and effect
21 and shall thereafter be binding on Grantor and Grantee, provided that
22 Grantor shall give Grantee thirty (30) days written notice of such change
23 before requiring compliance with said provision or such longer period of
24 time as may be reasonably required for Grantee to comply with such
25 provision.
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SECTION 2. That this Ordinance shall be in full force and

effect from and after its passage and any and all necessary approval by
the Mayor and publication thereof.


Council Member
Thomas C. Henry

Read the third time in full and on motion by Henry, and duly adopted,
placed on its passage. PASSED by the following vote:

AYES: Six
Henry, Long, Lunsey, Ravine, Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: Three
Bradbury, Edmonds, GiaQuinta

DATED: 11-14-95 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as General Ordinance No. G-27-95 on the 14th day of November,
1995

ATTEST

SEAL

Sandra E. Kennedy
City Clerk

Don J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 15th day of November, 1995, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

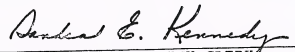
Approved and signed by me this 16th day of November, 1995, at the
hour of 12:15 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
General Ordinance No. G-27-95,
passed by the Common Council on the 14th day of
November, 1995, and that said Ordinance was
duly signed and approved by the Mayor on the 16th day of
November, 1995, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 16th day of November, 1995.

SEAL


SANDRA E. KENNEDY, CITY CLERK

FW COMMON COUNCIL
(Governmental Unit)

To: **The Journal-Gazette** Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

294 lines, 1 columns wide equals 294 equivalent lines
at .495 cents per line

\$ 145.53

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) _____

1.00

TOTAL AMOUNT OF CLAIM

\$ 146.53

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: **NOV 28**, 19 **95**

Title: Julie L. Rohyans Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time _____, the dates of publication being as follows:

11-21-28-1995

subscribed and sworn to before me this 28th day of NOV, 19 95.

Mary L. Schneider
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

MY COMMISSION EXP JUNE 14, 1997

of Fort Wayne, Indiana, as General Ordinance 9-27-88 on the 14th day of November.

EST

Sandra E. Kennedy
Clerk

Don J. Schmidt
Presiding Officer

ent by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of November, 1995, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

roved and signed by me this 16th day of November, 1995, at the hour of 12:15 o'clock P.M., E.S.T.

Paul Holmke
Mayor

Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full and complete copy of General Ordinance No. 7-95.

ed by the Common Council on the 14th day of November, 1995, and now remains on file and on record in my office.

SSD my hand, and official seal of the City of Fort Wayne, Indiana, the 16th day of November,

21-28 SANDRA E. KENNEDY, CITY CLERK 844

FW COMMON COUNCIL
(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN

County, Indiana

PUBLISHER'S CLAIM**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
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Total number of lines in notice

COMPUTATION OF CHARGES

-- 294 -- lines, 1 columns wide equals -- 294 -- equivalent lines

Tuesday, Nov. 21, 1995 THE NEWS-SENTINEL SS

LEGAL NOTICE

Notice is hereby given that on the 14th day of November 1995, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-95-10-11 General Ordinance No. G-27-95 as follows:

BILL NO. G-95-10-11

GENERAL ORDINANCE NO. G-27-95

AN ORDINANCE AMENDING CHAPTER 111 OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES, ENTITLED CABLE TELEVISION REGULATIONS, BY ADDING A NEW SECTION ENTITLED CABLE FUND ACCESS BOARD.

WHEREAS, the City of Fort Wayne, Indiana, Code of Ordinances, Chapter 111 Cable Communications System Section 111.15 established the Cable Television Advisory Council; and

WHEREAS, General Ordinance No. G-15-95 repealed in its entirety Chapter 111 of the City of Fort Wayne, Indiana, Code of Ordinances, entitled Cable Communications System and replaced the contents of Chapter 111 with Cable Television Regulations; and

WHEREAS, the Board of Public Works desires to re-organize the Cable Television Advisory Council with a new citizens advisory group entitled Cable Fund Access Board; and

WHEREAS, the purpose of the Cable Fund Access Board will be to review and make recommendations about how cable franchise fee revenues are granted for Public, Education and Government (PEG) Access programming.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 111 of the City of Fort Wayne, Indiana, Code of Ordinances, entitled Cable Television Regulations is amended as follows:

CHAPTER 111: CABLE TELEVISION REGULATIONS
BOARD

Sub. Section 111.34. CABLE FUND ACCESS BOARD

1. ESTABLISHMENT
There is established a Cable Fund Access Board consisting of five (5) members. Three members shall be appointed by the Mayor and two (2) shall be appointed by the Common Council.

PURPOSE
The Cable Fund Access Board will administer the Grant process through which Public, Education and Government access channel originators and non-access channel originators receive City franchise fee revenue.

b. The Cable Fund Access Board will allow citizen input and oversight to insure that the City franchise fee revenue is being used effectively.

3. ACCESS CHANNEL ORIGINATOR

c. The City of Fort Wayne shall annually budget two-fifths (2/5) of all franchise fee dollars from Comcast for public access dollars (not for-profit), which shall be subject to approval by the Common Council.

d. Eighty percent (80%) of the access dollars, upon Common Council approval, will be annually designated and divided up equally for institutions which organize Public, Education and Government access channels on the COMCAST system. The Access Channel Originators (ACOs) are:

ALLEN COUNTY PUBLIC LIBRARY/CHANNEL 10
FORT WAYNE CITY GOVERNMENT/CHANNEL 18
FORT WAYNE COMMUNITY SCHOOLS/CHANNEL 20
INDIANA UNIVERSITY-PURDUE UNIVERSITY AT FORT WAYNE/CHANNEL 6

e. Grant funds may be used for operational expenses directly used in the production and cablecasting of access programming.

d. Eligibility Guidelines

i. The ACO must annually document to the CFAB:

LEGAL NOTICE

1. that it is providing ample opportunity for the public or, in the case of Channels 6, 20 and 18, for other educational and city government entities, to have their programming produced and cablecast;

2. how grant dollars were used to increase the number of access programs produced and cablecast;

3. The ACO must respond to complaints or concerns about their operations raised in an annual public hearing held by the Cable Fund Access Board.

4. Following the Cable Fund Access Board annual review process, the ACOs will enter into contracts with the City of Fort Wayne in which the ACOs agree to spend the grant money according to the above criteria.

g. NON-ORIGINATOR ACCESS PROGRAMMING GRANTS

i. A minimum of 10% the City's Access Dollars will be set aside annually as non-Access Channel Originator Grants for access programming by not-for-profit agencies or educational or city government which do not originate access channels.

ii. The City of Fort Wayne will recommend grants educational or governmental agency within the city of Fort Wayne (except Allen County government offices as Allen County government receives cable television franchise fees).

iii. Grant money may be utilized for operational expenses in the production of access programming including hiring of production services.

iv. Qualified non-access channel originators will annually submit grant request to the Cable Fund Access Board, pursuant to an application established by the Board. The CFAS will recommend grant awards, with final approval granted by the Common Council.

v. Any remaining amount of the 10% not used for non-ACO grants will remain in the Cable Fund.

vi. Eligibility Guidelines:

(1) Non-Access Channel Originator Grants will be given to support specific services, functions, video productions or to support specific programs. The grants may be used to purchase equipment; however, the application must explain how the equipment will be used in the production of the PEG access programming.

(2) Non-Access Channel Originator Grant recipients will enter into contracts with the City of Fort Wayne in which the grantee pledges to spend the grant money in accordance with City Council and to provide proof of the expenditures.

(3) All Non-Access Channel Originator Grants will be subject to approval by the Common Council.

4. CABLE TELEVISION FRANCHISE MANAGEMENT EXPENSES

e. Ten (10%) of the access dollars will be used by the City for cable television franchise management expenses, which would include industry Publications, travel to seminars or training, hiring of consultants to provide legal and cable law expertise and advice if the franchisor is failing its franchise commitments including the rebuilding of the cable system.

LEGAL NOTICE

b. Any remaining amount of the 10% not used for cable management expenses will remain in the Cable Fund.

5. DUTIES OF THE CABLE FUND ACCESS BOARD

a. Annual Review:

i. Before the grant application process begins, the Cable Fund Access Board will annually meet to review the way Access Channel Originators and non-Access Channel Originators have used its grant funding to enhance the quality and quantity of local Public, Education and Government access programming.

ii. The Cable Fund Access Board will annually hold a public hearing to review how grants have been spent and to listen to concerns, ideas or problems the public may express regarding the operations and programming of grant recipients.

iii. The Cable Fund Access Board may determine that an Access Channel Originator is not meeting the City's criteria and may recommend to City Council that the ACO's annual grant be reduced. The amount of the reduction would be distributed evenly among the remaining ACOs.

iv. Establish and implement a review form and grading system which fairly evaluates each grant recipient which could also be used when considering future grant requests.

Sub Section 111.35. CONFLICTS.

In the event of a conflict between any provision of this Ordinance and a Franchise Agreement entered pursuant to it, the provisions of this Ordinance shall control, except as may be specifically otherwise provided in the Franchise Agreement.

Sub Section 111.36. SEPARABILITY.

If any provision of this Chapter is held by any court, or by any Federal or State agency of competent jurisdiction, to be invalid as conflicting with any Federal or State law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this Chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision hereof which had been held invalid or modified as no longer in conflict with such law, rule or regulation, said provision shall then become valid and enforceable and shall thereafter be binding on Grantor and Grantee, provided that Grantor shall give Grantee thirty (30) days written notice of such change.

Thomas C. Henry
Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Henry, Long, Lunsey, Ravne, Schmidt, Telarico
NAYS: None
ABSTAINED: None
ABSENT: Three
Bradbury, Edwards, GioSunta

DATED: 11-14-95

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, its General Ordinance No. G-27-95 on the 14th day of November.

ATTEST

Sandra E. Kennedy
City Clerk

Don J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of November, 1995, at the hour of 11:30 o'clock A.M.E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 16th day of November, 1995, at the hour of 12:15 o'clock P.M.E.S.T.

Paul Helms
Mayor

I, the Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and correct copy of General Ordinance No. G-27-95, as passed by the Common Council on the 14th day of November, 1995, and now remains on file and on record in my office.

WITNESS my hand, and official seal of the City of Fort Wayne, Indiana, this 16th day of November, 1995.

SANDRA E. KENNEDY, CITY CLERK

11-21-95

844

n the English language in the (city) (town) of county aforesaid, and that the printed matter which was duly published in said paper for tes of publication being as follows:

- 21 - 28 - 95

bscribed and sworn to before me this 21 day of 19 95.

Notary Public

y commission expires: NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY, INDIANA

MY COMMISSION EXP JUNE 14, 1997

FW COMMON COUNCIL

To: The News-Sentinel Dr.

(Governmental Unit)

P.O. Box 100

Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

294 lines, 1 columns wide equals 294 equivalent lines
 at .495 cents per line

\$ 145.53

Additional charge for notices containing rule or tabular work
 (50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 146.33

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: NOV 28, 19 95

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for 2 time 2 1/2, the dates of publication being as follows:

11-21-28-95

subscribed and sworn to before me this 28th day of NOV, 19 95.

Notary Public

MARY L SCHNEIDER
 NOTARY PUBLIC, STATE OF INDIANA
 ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14, 1997

MARKET MOVER
 UNEMPLOYMENT: The Labor Department releases weekly jobless claims tomorrow.
 5,000
 Among those showing gains were money managers rotated into high-tech, technology self-off and finished sig- called Internet stocks were an ex- State of Indiana) ss: Allen County)
 NEL 10
 NEL 18
 HANDEL
 CITY AT